

Revision: HCFA-AT-85-3 (BERC)
FEBRUARY 1985

SUPPLEMENT 9 TO ATTACHMENT 2.6-A
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STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: North Carolina

TRANSFER OF RESOURCES

1902(f) and 1917
of the Act .

The agency provides for the denial of eligibility by reason of disposal of resources for less than fair market value.

[illegible][illegible]

XXXXXXThe AGENCY shall provide a total period of
XXXXXXprovides for a total period of
XXXXXXineligibility greater than 24 months
XXXXXXfor individuals who have transferred
XXXXXXresources for less than fair market
XXXXXXvalue when the uncompensated value of
XXXXXXexcess of resources exceeds \$25,000.
XXXXXXThe period means a reasonable
XXXXXXrelationship to the uncompensated value
XXXXXXof the transfer. The computation of
XXXXXXthe period and the reasonable
XXXXXXrelationship of this period to the
XXXXXXuncompensated value is described as
XXXXXXfollows:

When the taxpayer's actual expenses exceed \$2,000, the personal exemption is limited to the amount of the taxpayer's actual expenses. If the taxpayer's actual expenses exceed \$2,000, the taxpayer's actual expenses are used to determine the amount of the exemption.

- A. The agency provides for nursing facility or equivalent services as specified in Section 1917(c) of the Social Security Act.

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XX
B. The period of eligibility is less
than 24 months, as specified below:
XXXXXXXX

XX
XX
XX
XX

- B. An institutionalized individual who (or whose spouse) transfers resources for less than the fair market value shall not be found ineligible for nursing facility services, for a level of care in a medical institution equivalent to that of a nursing facility services, or for home and community-based services where the State determines that denial of eligibility would work undue hardship under the provision of Section 1917(c)(2)(D) of the Social Security Act.

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2. Transfer of the home of an individual who is an inpatient in a medical institution.

1 A period of ineligibility applies to inpatients in an SNF, ICF or other medical institution as permitted under section 1917(c)(2)(B)(i).

- a. Subject to the exceptions on page 2 of this supplement, an individual is ineligible for 24 months after the date on which he disposed of the home. However, if the uncompensated value of the home is less than the average amount payable under this plan for 24 months of care in an SNF, the period of ineligibility is a shorter time, bearing a reasonable relationship (based on the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

TN No. 86-19
Supersedes
TN No. 85-3

Approval Date JUL 7 1987

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- b. ☒ Subject to the exceptions on page 2 of this supplement, if the uncompensated value of the home is more than the average amount payable under this plan as medical assistance for 24 months of care in an SNF, the period of ineligibility is more than 24 months after the date on which he disposed of the home. The period of ineligibility bears a reasonable relationship (based upon the average amount payable under this plan as medical assistance for care in an SNF) to the uncompensated value of the home as follows:

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No individual is ineligible by reason of item
A.2 if--

- i. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual can reasonably be expected to be discharged from the medical institution and to return to that home;
- ii. Title to the home was transferred to the individual's spouse or child who is under age 21, or (for States eligible to participate in the State program under title XVI of the Social Security Act) is blind or permanently and totally disabled or (for States not eligible to participate in the State program under title XVI of the Social Security Act) is blind or disabled as defined in section 1614 of the Act;
- iii. A satisfactory showing is made to the agency (in accordance with any regulations of the Secretary of Health and Human Services) that the individual intended to dispose of the home either at fair market value or for other valuable consideration; or
- iv. The agency determines that denial of eligibility would work an undue hardship.

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3. 1902(f) States

1 Under the provisions of section 1902(f) of the Social Security Act, the following transfer of resource criteria more restrictive than those established under section 1917(c) of the Act, apply:

See material attached to Supplement 9 to Attachment 2.6-A.

B. Other than those procedures specified elsewhere in the supplement, the procedures for implementing denial of eligibility by reason of disposal of resources for less than fair market value are as follows:

1. If the uncompensated value of the transfer is \$12,000 or less:

2. If the uncompensated value of the transfer is more than \$12,000:

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3. If the agency sets a period of ineligibility of less than 24 months and applies it to all transfers of resources (regardless of uncompensated value):

4. Other procedures:

The methodologies for treatment of income and resources of the Aged, Blind, and Disabled idffer from SSI as follows:

- The homesite is defined as the house and lot on which it sits in the city or one acre in a rural setting, plus additional real property contiguous to the homesite up to a tax value of \$12,000.
- The ineligible period for transfer of assets is:

<u>Uncompensated Value</u>	<u>Period of Ineligibility</u>
\$1,000 - \$6,000	1 year from transfer date
6,001 - 12,000	2 years from transfer date
Over 12,000	2 years plus 1 additional month for each \$500 increment or portion thereof by which the uncompensated value exceeds \$12,000, not to exceed a maximum of 3 years ineligibility.

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